

Applicants: Stadler et al.
Serial No. 10/023,234
Page 2

REMARKS

Claims 1-55 were rejected under 35 USC 102(b) as being clearly anticipated by Larnard et al. Applicant respectfully traverses this rejection.

In order for a reference to anticipate a claim, that reference must teach each and every element of the claim. Contrary to the Examiner's assertion, Larnard et al. do not have multiple computational states. As such, the rejection is improper and must be withdrawn.

The Examiner has indicated the processor has a first state for "benign heart rhythm[s]" and a second state for "non-benign heart rhythms." That the medical device will take different actions depending upon the heart rhythm encountered does not relate to the computational state, as claimed. Larnard et al. operates in one and only one computational state. Claim 1, for example requires that the device change operational states if a particular rhythm is encountered. Furthermore, the claim includes executing classification algorithms after operating in the second state.

Should the Examiner maintain the rejection, Applicant respectfully requests citation to specific portions of the reference that indicate a change in computational states in response to a rhythm; as opposed to taking specific, predetermined actions in response to a sensed rhythm that occurs in a single computational state. Furthermore, the Examiner is requested to cite to specific portions that indicate particular classification algorithms are only available in a given computational state, and that state is entered into after particular rhythms are sensed.


Applicant respectfully asserts that the claims are in condition for allowance and requests notice of the same.

Applicants: Stadler et al.
Serial No. 10/023,234
Page 3

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

Date: 6/18/04



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